

### **REMARKS**

The final Office Action dated March 10, 2006 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto. Claims 62-93 are currently pending in the application.

Claims 62, 65-68, 75, 86, 88, 90, 92, and 93 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Claims 62-93 are currently pending in the application and are respectfully submitted for consideration.

In the final Office Action, claims 62-93 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Spaur (U.S. Patent No. 6,122,514). The Office Action took the position that Spaur discloses all the elements of the claims. This rejection is respectfully traversed for the reasons which follow.

Claim 62, upon which claims 63-74 are dependent, recites a method for routing a data transmission connection between terminal equipment and a host over a data transmission network. A data transmission network includes at least two access points for connection of the terminal equipment to the data transmission network. The method includes establishing a criterion for a choice of an access point, and evaluating access points according to the criterion. The method also includes choosing at least two of the access points which meet the criterion, and connecting data transmission traffic simultaneously through the at least two chosen access points.

Claim 75, upon which claims 76-85 are dependent, recites a method of routing a data transmission connection between terminal equipment and a host over a data transmission network including at least two access points for connection of the terminal equipment to the data transmission network. The method includes establishing a criterion for a choice of a data transmission relaying capacity of the access points, estimating the access points in accordance with the criterion, and choosing a relaying capacity of each access point according to results of the estimation step. The method further includes proportioning data transmission traffic between the access points in relation to the chosen relaying capacities such that data transmission traffic is sent simultaneously through the at least two access points.

Claim 86, upon which claim 87 is dependent, recites an arrangement for routing a data transmission connection between terminal equipment and a host over a data transmission network. The data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network. The arrangement includes a router located in the terminal equipment for routing a data transmission through at least two access points simultaneously.

Claim 88, upon which claim 89 is dependent, recites an arrangement for routing a data transmission connection between terminal equipment and a host over a data transmission network. The data transmission network includes at least two access points for connecting the terminal equipment of the data transmission network. The arrangement includes a router located in the terminal equipment and in a gateway

exchange for routing a data transmission through at least two access points simultaneously.

Claim 90, upon which claim 91 is dependent, recites an arrangement for routing a data transmission connection between terminal equipment and a host over a data transmission network. The data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network. The arrangement includes a router located in a gateway exchange for routing a data transmission through at least two access points simultaneously.

Claim 92 recites terminal equipment configured to connect to a data transmission network through at least two access points, establish a criterion for a choice of an access point, evaluate the access points according to said criterion, choose at least two of said at least two access points, wherein at least two access points chosen meet said criterion, and connect data transmission traffic simultaneously through the at least two access points chosen in the step of choosing.

Claim 93 recites terminal equipment including connecting means for connecting to a data transmission network through at least two access points, criterion means for establishing a criterion for a choice of an access point, evaluating means for evaluating the access points according to said criterion, choosing means for choosing at least two of said at least two access points, wherein at least two access points chosen meet said criterion, and connecting means for connecting data transmission traffic simultaneously through the at least two access points chosen in the step of choosing.

As discussed in the specification, embodiments of the present invention enable the choosing of more than one access point for connection between the terminal equipment and the host so that data is transmitted along at least two different routes between the terminal equipment and the host. The data may be received in one direction along the two different routes. Furthermore, embodiments of the present invention enable the traffic to be divided between at least two accesses according to pre-established criteria so that certain part of the traffic may be relayed through one access point and the remaining traffic may be relayed through another access point. Thus, reliability of the transmission may be improved as the same packets may be transmitted at least twice.

As will be discussed below, Spaur fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

Spaur discloses a system and method for communications channel selection. In the system described by Spaur, a number of network channels are available and includes a link selector for selecting an acceptable network channel. During one bi-directional communications operation, information is transmitted and received using two different network channels. For example, terminal stack 12 enables communications system 10 to transmit and receive information using two different networks and two different network channels, or links 34a-34n. Communications system 10 determines that the L1 network interface is better for outgoing packets and network interface L2 is better for incoming packets. An outgoing packet is sent through the L1 network interface. When responding, the remote station routes a packet to communications system 10 along the route that is

determined to be optimal to reach the L2 network interface of communications system 10. Accordingly, in the return path, the network interface L1 and the outgoing links are not used. Therefore, Spaur discloses that every information packet is sent only once during an operation. For instance, certain packets are sent over a spread spectrum link and certain other packets are sent over a CDPD channel, as determined by communication system 10.

Applicants respectfully submit that Spaur fails to disclose or suggest all of the elements of the presently pending claims. For example, Spaur fails to disclose or suggest that the data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network, as recited in claims 62, 75, 86, 88, and 90. Spaur also fails to disclose or suggest “connecting data transmission traffic simultaneously through the at least two chosen access points,” as recited in claim 62. Additionally, Spaur does not disclose or suggest that “data transmission traffic is sent simultaneously through the at least two access points,” as recited in claim 75. Spaur further fails to disclose or suggest a router “for routing a data transmission through at least two access points simultaneously,” as recited in claims 86, 88, and 90. Furthermore, Spaur fails to disclose or suggest “connecting data transmission traffic simultaneously through the at least two access points chosen,” as recited in claims 92 and 93.

Spaur, as discussed above, discloses a communications system for sending and receiving information relative to a mobile unit in which a number of network channels are available through which the information can be transferred. These network channels

transmit the data across different networks, such as cellular digital packet data networks, satellite networks, and FM-subcarrier networks (Spaur, Column 11, lines 12-26). Moreover, each network channel transfers data through a different network. Therefore, in Spaur, there is no network that has more than one network channel associated with it.

According to embodiments of the present invention, however, the data is routed through a single intermediary network (the internet illustrated in figures 2 and 4). As recited in the claims, a data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network. The data is transferred from the terminal user equipment to different access points on this network. Thus, according to embodiments of the claimed invention, only one intermediary network exists through which all the data is transferred.

Spaur does not disclose or suggest an equivalent intermediary network having more than one access point, through which all the data is transferred. The network channels of Spaur transfer data over separate, distinct networks. Applicants respectfully submit that the transferring of data over separate networks, as disclosed in Spaur, does not correspond to having multiple access points to the same network. Therefore, the network channels of Spaur are not equivalent to the claimed access points to a network. As such, Spaur fails to disclose or suggest that the data transmission network includes at least two access points for connecting the terminal equipment to the data transmission network and similarly fails to disclose or suggest connecting or sending data transmission traffic simultaneously through the at least two chosen access points, as recited in the

present claims. Rather, Spaur only discloses at least two data transmission networks, each with just a single access point.

Furthermore, Applicants respectfully submit that a person of skill in the art would not have been motivated to alter the teachings of Spaur to yield the claimed invention. Spaur, as discussed above, teaches sending data through different networks and choosing the networks that best match the chosen criteria. Spaur makes no mention or suggestion that each network could have more than one access point. Therefore, a person of skill in the art would not have been motivated to modify Spaur, which discloses the use of multiple networks, to yield the arrangement of the claimed invention, which has just one intermediary network with more than one access point.

For at least the reasons discussed above, Applicants respectfully submit that Spaur fails to disclose or suggest all of the elements of claims 62, 75, 86, 88, 90, 92 and 93. Accordingly, Applicants respectfully request that the rejection of claims 62, 75, 86, 88, 90, 92 and 93 be withdrawn.

Claims 63-74, 76-85, 87, 89 and 91 are directly or indirectly dependent upon the independent claims discussed above. The dependent claims are allowable at least for the reasons given above, and because they recite additional patentable subject matter. For at least these reasons, applicants respectfully request that the rejection of claims 62-93 be withdrawn.

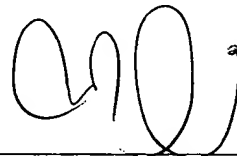
Applicants respectfully submit that Spaur fails to disclose or suggest critical and important elements of the claimed invention. These distinctions are more than sufficient

to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 62-93 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Request for Continued Examination (RCE)  
Petition for Extension of Time